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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,329	06/30/2003	Sargur Srihari	RESP:111US	3822
24041	7590	11/14/2007	EXAMINER	
SIMPSON & SIMPSON, PLLC			DESIRE, GREGORY M	
5555 MAIN STREET				
WILLIAMSVILLE, NY 14221-5406			ART UNIT	PAPER NUMBER
			2624	
			MAIL DATE	DELIVERY MODE
			11/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/611,329	SRIHARI ET AL.
	Examiner	Art Unit
	Gregory M. Desire	2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 June 2003.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 4, 8-17 and 22 is/are allowed.
- 6) Claim(s) 1,3,5-7 and 18-21 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 June 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to communication filed 4/16/07.

***Response to Arguments***

2. Applicant argues (page 10 lines 12-13) Clayden's vectors are not the same as the vectors of the instant application. This argument is not persuasive because In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., vectors of the instant application) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Response to Amendment***

3. Examiner withdraws the 35 USC 101 rejections for claims 1-22.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Clayden (5,787,185).

Regarding claims 1, 18, 19 and 21 Clayden discloses

Comparing a first vector from a first biometric sample with a second vector from a second biometric sample (Note col. 2 lines 55-60 and col. 3 lines 1-11; Black image is first biometric sample and white image is second biometric image, which are converted to a series of vectors. The vectors are compared to obtain a score.), wherein said first and second vectors have at least one biometric feature (note col. 3 lines 3-4 vectors are series of lines of blood vessels). Determining by means of said general purpose computer whether said first and second biometric sample are from the same source (note col. 3 lines 7-10 determining score whether same sample are from the same vessel pattern)

Regarding claim 3 Clayden discloses,

Wherein clustering of the first vector with the second vector indicates that the first biometric sample and the second biometric sample are from the same source (note col. 3 lines 7-9).

Regarding claim 20 Clayden discloses,

Wherein the computer readable medium is a CD-ROM (note fig. 2, block 103 and col. 2 lines 34-35, inherent for a processor to include a CD-ROM).

6. Claims 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Grajski et al (6,052,481)

Regarding claim 5 Grajski discloses,

Comparing a first biometric sample with a second biometric sample, wherein said first and second samples form at least one cluster of at least one vector based on feature similarities between said first and second biometric samples (note col. 6 line 60- col. 7 line 10).

Regarding claims 6 and 7 Grajski discloses,

Samples are handwriting samples (note col. 6 lines 60-61).

#### ***Allowable Subject Matter***

7. Claims 4, 8-17 and 22 allowed.

8. The following is an examiner's statement of reasons for allowance for independent claims 4, 8, 10 and 22.

Regarding claims 4, 8 and 10, the distinguishing feature clustering distance between the first and second vector indicates sample are from the same source. Claims 11-17 depend on claim 10. Therefore are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (571) 272-7449. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

G.D.  
November 13, 2007



GREGORY DESIRE  
PRIMARY EXAMINER